



MCI Communications
Corporation

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Mary L. Brown
Chief, Rates, Tariffs & Regulatory Analysis
Regulatory Affairs

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August 10, 1994

AUG 10 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Mr. William F. Caton
Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, D.C. 20554

Re: GTE Application for Review
GTE Tr. Nos. 873, 874, 893 & CC Docket No. 94-81

Dear Mr. Caton,

Enclosed herewith for filing are the original and four (4) copies of MCI Telecommunications Corporation's Opposition in the above-captioned matter.

Please acknowledge receipt by affixing an appropriate notation on the copy of the MCI pleading furnished for such purpose and remit same to bearer.

Sincerely,

Mary L. Brown
MCI Telecommunications Corp.

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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AUG 10 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
) Tr. Nos. 873,874,893
GTE Telephone Operating Companies)
Revisions to FCC Tariff No. 1) CC Docket No. 94-81

MCI Opposition to Application for Review

MCI Telecommunications Corporation (MCI), pursuant to Section 1.115(d) of the Commission Rules, hereby opposes GTE Service Corporation's (GTE) Application for Review in the above-captioned matter. GTE argues that the Bureau's order rejecting a video channel service tariff failed to reach an issue of whether GTE's ownership of a Cerritos, California video programming operation is protected by the First Amendment.¹ GTE argues that it should be permitted to offer video programming in Cerritos, despite a Commission rule prohibiting such ownership.²

GTE based its First Amendment argument on a federal district court decision in Virginia holding that the rule was unconstitutional with respect to C&P Telephone.³ The Commission previously decided that the C&P case did not serve to invalidate the rule for GTE in California, and it ordered

¹ GTE Telephone Operating Companies, CC Docket No. 94-81, Application for Review, filed July 26, 1994 at 3-4.

² Sections 63.54 and 63.55 of the Commission's Rules, 47 C.F.R. Sections 63.54 and 63.55.

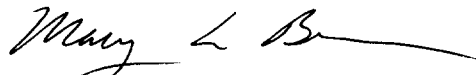
³ The Chesapeake and Potomac Tel. Co. v. United States, 830 F.Supp. 909 (E.D. Va. 1993).

GTE to take action to bring itself into compliance with the cable-telephone cross ownership rules.⁴ When the Bureau was confronted with GTE's continued intransigence in extricating itself from the cable television business, it rightfully relied on the Commission's previous determination that the Virginia case did not apply.

GTE is seeking a second bite of the apple. The Commission previously considered GTE's argument and rejected it in the Remand Order. GTE should not be permitted to re-argue its case in an Application for Review of a delegated authority item.

For the forgoing reasons, MCI requests that the Commission deny GTE's Application for Review in the above-captioned matter.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary L. Brown", with a long horizontal flourish extending to the right.

MCI TELECOMMUNICATIONS CORPORATION

Mary L. Brown

⁴ General Telephone Company of California, 8 FCC Rcd 8178 (1993) (Remand Order).

CERTIFICATE OF SERVICE

I, Gwen Montalvo, do hereby certify that copies of the foregoing MCI's Opposition to Application for Review were sent via first class mail, postage paid, to the following on this 10th day of August 1994:

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Gwen Montalvo